

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STAR JOSEPH,

Plaintiff,

v.

Civ. No. 21-0838 KWR-GJF

ALBUQUERQUE POLICE DEPARTMENT, *et al*,

Defendants.

ORDER GRANTING *IN FORMA PAUPERIS* MOTION

THIS MATTER is before the Court on Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [ECF 4]. Plaintiff's financial information reflects he is unable to prepay the \$402 filing fee for his prisoner civil rights complaint. The Court will therefore grant the Motion, which reduces the fee to \$350, and allow Plaintiff to pay in installments. *See* 28 U.S.C. § 1915(b). Plaintiff must make an initial partial payment of "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." *Id.*

Plaintiff's financial statement reflects his average deposits exceed the balance and that he receives an average of \$72.50 per month. [ECF 4 at 6]. The Court will assess an initial payment of \$14.50 (which is 20% of the average deposits, \$72.50) pursuant to § 1915(b)(1)(A). After payment of the initial partial fee, Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). Plaintiff is reminded that, while this Order only directs a payment in the instant case, monthly payments will be due in each civil case he chooses to prosecute. *See Bruce v. Samuels*, 577 U.S. 82, 89–90 (2016) (§ "1915(b)(1) calls for assessment of 'an initial partial filing fee' *each time* a

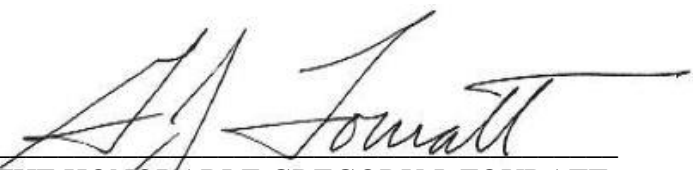
prisoner ‘brings a civil action,’ and the Court must collect “‘monthly payments of 20 percent of the preceding month’s income’ simultaneously for *each action* pursued”) (emphasis added). The Court will generally not review the merits of Plaintiff’s claims unless the initial partial payment is paid. If Plaintiff fails to timely make the initial partial payment, his complaint will be dismissed without further notice.

IT IS ORDERED that Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* [ECF 4] is **GRANTED**;

IT IS FURTHER ORDERED that, within thirty (30) days from entry of this order, Plaintiff shall send to the Clerk an initial partial payment of **\$14.50**;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty percent (20%) of the preceding month’s income credited to his account or show cause why the designated payments should be excused.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE